

**Testimony by Senator James Inhofe for the Hearing on
Western Sahara-“Getting to Yes-Resolving the 30-Year
Conflict over the Status of Western Sahara”**

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Introduction

Today, we are here to discuss the plight of a group of people who have languished in the desert for more than 30 years—the people of Western Sahara. Theirs is a story of determination, persistence, and hope that one day they will enjoy the basic rights all humans deserve—the right to life and to self-determination. It is my hope that this hearing will help them realize this fundamental right.

Background

In order for us to have a better understanding of the current situation, it is helpful to know the history of the Saharans. Before Spain colonized Western Sahara in 1884, the people who inhabited the land enjoyed a nomadic lifestyle. Western Sahara was populated by a number of unconnected and autonomous tribes which were not under any particular authority, particularly Moroccan sultans or Mauritanian emirs. Although there was occasional trade between the region and Europe as early as 4 B.C., European contact with Western Sahara was infrequent.

From 1884 until the early 1970s, Western Sahara was under Spanish rule. The boundaries for the colony were created through three agreements between France and Spain at the beginning of the 20th century. Beginning around 1957, however, the Saharans began to fight for independence.

Their plight gained international attention when the United Nations (UN) became briefly involved in the conflict in December, 1966, by passing a Resolution that ultimately failed to accomplish its purpose of urging Spain to grant the Saharans the right to self-determination.

In the mid-1970s, Spain made plans to withdraw from Western Sahara, with the intent to hold a referendum to create an independent state, which Algeria strongly supported. However, Morocco and Mauritania opposed this proposal and each attempted to claim the territory for itself.

I would like to note here that according to a recent CRS report, although the claims made by Morocco and Mauritania appeared on the surface to be founded on previous conquests, there is evidence that they were actually interested in Western Sahara's valuable natural resources including phosphate, fishing grounds and oil reserves off the coast.

Morocco, through the UN, then asked the International Court of Justice (ICJ) to decide who had rights to the territory and on October 12, 1975, the ICJ ruled that the

Saharan people had the right to self determination. Following this decision, on November 6, of that same year, Morocco showed its true intentions with the now infamous “Green March”, where King Hassan II led 350,000 Moroccans into Western Sahara to lay claim to the land. During this time, about 160,000 Saharans fled to refugee camps in nearby Algeria and Mauritania, and the Popular Front for the Liberation of Saqiat al Hamra and Rio de Oro, or POLISARIO, formed by the Saharan people, fought against this invasion to defend their land.

Although Spain briefly interrupted the Green March, it officially pulled out of the region on November 16, 1975, and relented control to Moroccan and Mauritanian authorities. Meanwhile, in 1976, the POLISARIO founded its own government, the Sahrawi Arab Democratic Republic (SADR), and established its headquarters in the Sahara Desert in Tindouf, Algeria. Not long after, Mauritania followed Spain’s lead and completely withdrew from the region in August 1979, signing a peace treaty with the POLISARIO.

Morocco quickly moved into the area formerly occupied by Mauritania and began to build a sand wall, or “berm”, in the desert to create a barrier between Western Sahara and the Saharan refugees. Needless to say, this action of separation, along with other aggression by the Moroccans, was intolerable and a long, guerrilla-style war ensued until the UN intervened again in 1991.

Creation of MINURSO

In April, 1991, the UN created the United Nations Mission for the Organization of a Referendum in the Western Sahara (MINURSO), through UN Security Council Resolution 690. MINURSO’s main purpose was to oversee a Settlement Plan by holding a referendum to offer the Saharans a choice between independence and integration into Morocco.

Voting Process

MINURSO began to register voters, but a conflict soon arose over how to identify those people who were truly Saharan. The POLISARIO said that the 74,000 people who had been counted in a census conducted by Spain in 1974, had the right to vote in the referendum, while Morocco claimed that there were thousands more who had not been counted in the Census and had fled Morocco previously, also had a legitimate right to vote.

However, it is obvious to see why Morocco would have a vested interest in ensuring that these additional people participated in the vote. In doing so, Morocco would ensure people voting against an independent state, therefore retaining the territory.

Baker Appointed as Personal Envoy

UN Secretary-General Kofi Annan then appointed former Secretary of State James Baker as his Personal Envoy to end the stalemate. The UN Security Council, Algeria and the POLISARIO welcomed the appointment, while Morocco offered a tepid response.

The Secretary-General could not have picked a better negotiator—Baker is one of the most qualified people to accomplish this task. He served under three US Presidents in high level government positions. He was Undersecretary of Commerce for President Ford, White House Chief of Staff and Treasury Secretary for President Reagan, and Secretary of State for George H. W. Bush. He has a background in law and has received many notable awards for his outstanding public service including the Presidential Medal of Freedom and the Department of State's Distinguished Service Award. Not only was he Special Envoy for the UN for Western Sahara, he was also appointed as President George W. Bush's Special Presidential Envoy on the issue of Iraqi debt.

Baker was tasked specifically to work out a deal asking Morocco to give Western Sahara more autonomy than it had allowed other regions within the country. Through a referendum, the POLISARIO would then be granted special status and would agree that Western Sahara would be part of Morocco. What follows is an account of Baker's negotiations with all parties involved. I want to note he set out to negotiate autonomy for Saharans within Morocco, but after realizing Morocco was an unwilling participant, he ended up supporting independence for Saharans.

Baker's Negotiations

Baker asked the Department of Political Affairs (DPA) to prepare, in consultation with the UN Department of Peacekeeping Operations (DPKO), a plan to address the conflict. The report made the following four options: (a) remain with the Settlement Plan and move ahead with its implementation; (b) put the Plan aside and seek a "third solution"; (c) seek a "third solution" while keeping the Plan; (d) disengage until the time was "ripe".

The Settlement Plan's core principle was self-determination and that both parties had recognized the Secretary-General as having exclusive responsibility for its implementation. Even if the Plan could not stand on its own, resulting in a "win all/lose all" situation without provisions for the post referendum period, the Secretary-General could not dismiss it; it would be up to the parties involved.

Baker first visited the region in April, 1997, meeting with King Hassan II, POLISARIO Secretary-General Abdelaziz, and the Algerian government. In his meetings, he advised Morocco to not say it supported the Settlement Plan if it did not intend to follow through with it. However, the King insisted on moving forward with the Plan.

Baker continued talks with Morocco, Algeria and Mauritania throughout 1997. It again became clear that identifying legitimate voters for the referendum was going to be a key sticking point. Furthermore, it also became apparent that the UN was not willing to give strong backing to Baker's negotiations, especially when it seemed his plans were going to give the Saharan's a fair chance to vote in the referendum.

In September 1997, Baker revealed a plan to re-initiate the voter registration process that had been stalled earlier. This process was completed in 1999 with more than 86,000

legitimate voters identified out of the almost 200,000 who appeared in front of the Identification Commission, the entity charged with officially identifying legitimate voters for the referendum. The Identification Commission then received 79,000 appeals among those found ineligible to vote.

After receiving these results, the Security Council realized that even if the referendum were held, there was no plan in place to enforce the outcome should the results be rejected by one of the parties. Further, the UN realized that effective implementation of the Settlement Plan would require the full cooperation of Morocco and the POLISARIO, and the support of Algeria and Mauritania, which would be difficult or impossible to obtain because Morocco and the POLISARIO would each cooperate only with an implementation process that would produce its desired outcome.

In May 2000, the Secretary-General then asked Baker to investigate alternative methods to achieve a resolution. Understandably, the POLISARIO was shocked at this move by the Secretary-General to abandon the Plan, as well as Morocco's success at persuading former POLISARIO officials, who had defected to Morocco, to join its side in the disagreement. Meetings that soon followed proved mostly unproductive, but at least Morocco accounted for 207 political detainees it held.

In 2001, Baker offered a compromise proposal for a Framework Agreement as a start to renewing negotiations. The plan would give the Saharans the right to elect executive and legislative representatives and maintain sole competency over: local governmental administration, territorial budget and taxation, law enforcement, internal security, social welfare, culture, education, commerce, transportation, agriculture, mining, fisheries and industry, environmental policy, housing and urban development, water and electricity, roads and other basic infrastructure to the population of Western Sahara.

The representatives would be elected by those voters identified as of December 1999, which would favor the POLISARIO and exclude Moroccan-supported appellants. However, Morocco would have sole competency over: foreign relations, national security and external defense, all matters relating to the production, sale, ownership or use of weapons or explosives and the preservation of the territorial integrity against secessionist attempts. The flag, currency, customs postal and telecommunication systems of Morocco would be the same for Western Sahara. Additionally, under this proposal, a one-year residency in Western Sahara would be the only basis for voting eligibility. In Baker's opinion, the POLISARIO would be able to elect an acting leader to execute these functions during the five years before the vote for the referendum.

While Baker presented this newest proposal to Algerian and POLISARIO officials, he also informally offered a plan that would create a corridor from Algeria's western border, (west of Tindouf), extending to the Atlantic Ocean which could be used by Algeria, Morocco and Western Sahara. This newest plan was Baker's attempt at an alternative solution after ten years of attempting to achieve the Settlement Plan had failed.

Despite opposition by Algeria and the POLISARIO to the proposal by interpreting it to ultimately be a move for integration of Western Sahara into Morocco, they, along with Mauritania, indicated to Baker that they desired to continue to work to reach a solution.

Algeria, in conjunction with the POLISARIO, offered to discuss dividing the territory of Western Sahara as a solution to the dispute. Morocco expressed that they would not even consider this.

The Secretary-General's Options

Arriving again at a seeming impasse, in 2002, the Secretary-General proposed four options to the UN:

- 1.) Implement the Settlement Plan to hold a referendum without the parties' consensus
- 2.) Allow Western Sahara to have partial autonomy under Morocco—the Framework Agreement Plan
- 3.) Divide the Territory
- 4.) Abandon MINURSO, recognizing that it had spent more than 11 years and almost half a billion dollars at that point without a resolution, and pull out entirely

Because Morocco, Algeria and the POLISARIO could not agree to any of the same options in this proposal, Baker then tried a new approach to the situation.

The Baker Peace Plan

In early 2003, Baker proposed the “Peace Plan for Self-determination for the People of Western Sahara” as the new solution. His intent was to deliver a proposal that in his words, “no reasonable person would turn down”.

While Morocco would be responsible for issues pertaining to the responsibilities of a state, the Peace Plan all but ensured that the Western Sahara Authority would have complete and exclusive responsibility for the day-to-day governance of the Territory. The new plan differed from the previous ones in the following key areas:

- 1.) It restricted the electoral body for elections for the Executive and Legislature during the period of self-government to those appearing in the UN provisional voter list and those in the UN High Commissioner for Refugees (UNHCR) repatriation list.
- 2.) There would be a single election for the Executive and Legislature by the same electoral body.
- 3.) The judicial authorities in the Territory would be appointed by the Executive and Legislature without reference to Morocco.
- 4.) Most significantly, the electoral body for the referendum for the final status of the Territory would be composed of those in the voter list mentioned above, plus those who could prove continuous residence in the Territory since 30 December 1999 (date of completion of the UN identification process).
- 5.) The Peace Plan included the questions on the ballot for the final referendum.

Baker arranged the new Peace Plan so that the Saharans could win the first elections and maintain governing power, while Morocco's controlling power would be restricted in the Territory. One of the things that made this Plan unique is its requirement for all four parties: Algeria, Morocco, Mauritania, and the POLISARIO, along with the UN, to agree to it in order for it to be valid.

However, after introducing this new Plan, Baker met with Morocco and admitted that they had an increased chance of winning the referendum this time because, according to the UN, the voters on each side would be evenly divided. Moreover, the new Peace Plan would not confer sovereignty over Western Sahara to Morocco and would limit Morocco's powers in a way that previous plans did not. Morocco would not be able to block the referendum and, after a four-year transitional period, the POLISARIO, depending on its performance, could win the referendum.

The Response

As expected, Morocco wanted time to study the Plan, but reiterated its desire for its sovereignty and territorial integrity. When it offered its official response, it reiterated its entitlement to sovereignty rights over Western Sahara noting the "country's southern provinces" and the shortfalls of the Settlement Plan. However, Morocco did not acknowledge its own responsibility in the inability by the UN to implement the Settlement Plan. In reality, Morocco's true concern was that there was still an option for independence within the Plan. Morocco wanted Baker to re-establish the Framework Agreement, where Saharans would have autonomy, but under a Moroccan state. The POLISARIO, on the other hand, officially accepted the Plan on July 6, 2003. Algeria and Mauritania accepted too.

From May to July, 2003, Morocco actively lobbied against the Baker Plan, insisting that it should be renegotiated, mainly because of the option for Saharan independence, as well as autonomy. Morocco even wrote to the Secretary-General saying that the Peace Plan complicated the situation in Western Sahara through its proposals for the transitional period, among other things.

This is simply not true. Even after Baker admitted to Morocco that they had an increased chance of winning the referendum because the voters would be evenly divided, they rejected the Plan. Even after a fifteen to zero vote in the UN for the Plan, they rejected it. Morocco continued to offer its own solutions to the conflict, but these solutions were weak, and clearly gave Morocco the advantage by offering "autonomy within the framework of Moroccan sovereignty." Meaning, no true statehood for Saharans; they would always be ultimately under Moroccan rule. This is not true freedom, and, I venture to say, would result in continued oppression of the Saharan people.

Baker Resigns

On June 1, 2004, James Baker resigned his post as Personal Envoy to the Secretary-General. The POLISARIO was saddened by this news; while Morocco expressed its

delight calling Baker's resignation, "a triumph of Moroccan diplomacy." This statement could not be more insulting to Baker, the POLISARIO, and all people who love freedom. It is clear that Morocco never truly wanted a fair resolution; rather one that allowed it to maintain control of Western Sahara.

Conclusion

Western Sahara will remain on the UN agenda for many years to come. Already, the UN has sought a resolution for the past 14 years and has spent over 600 million dollars. Some say that the only real way to reach a solution is for relations between Algeria and Morocco to improve. While this may be true, the real fact is that Morocco must be willing to agree to make a compromise in its position. So far, it is not.

Like Baker, I believe Morocco, along with its supporters in the UN and elsewhere, must see that it is in its long-term best interest to resolve the conflict and obtain international legitimacy, rather than feed its hope that it will get what it wants by merely talking of compromise without truly giving anything up.

Morocco must also relinquish its continued violation of human rights by treating the Saharans living in the Territory with the dignity and respect all people deserve. Recent reports state that Moroccan authorities have beaten, arrested and even killed peaceful protestors in the Territory. I call on Morocco to stop this reported injustice immediately.

The Saharans are not refugees because they enjoy it; they are refugees because their homeland has been taken from them and they believe that, with the help of people like you and me, they will return to their homeland; but only if they are granted the right to self-determination.